

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

VENTANA MEDICAL SYSTEMS, INC.,

Plaintiff,

v.

DAKOCYTOMATION CALIFORNIA INC.,

Defendant.

Civil Action No. 04-1522-GMS

**DECLARATION OF MATTHEW R. REED IN SUPPORT OF PLAINTIFF VENTANA MEDICAL SYSTEMS, INC.'S OPENING CLAIM CONSTRUCTION BRIEF**

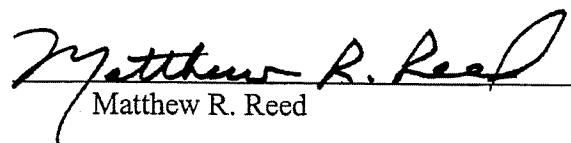
I, Matthew R. Reed, declare:

1. I am an attorney with the law firm of Wilson Sonsini Goodrich & Rosati, PC, counsel of record for Plaintiff Ventana Medical Systems, Inc. ("Ventana"), in the above-referenced matter. I have personal knowledge of the facts stated herein and would competently testify thereto.
2. Attached hereto as Exhibit A is a true and correct copy of U.S. Patent Number 6,827,901.
3. Attached hereto as Exhibit B is a true and correct copy of a Preliminary Amendment dated May 2, 2002, from Patent Application 10/137,169 ("the '169 Application").
4. Attached hereto as Exhibit C is a true and correct copy of an Office Action dated February 5, 2003, from the '169 Application.

5. Attached hereto as Exhibit D is a true and correct copy of the Reply to February 5, 2003 Office Action dated August 5, 2003, from the '169 Application.

6. Attached hereto as Exhibit E is a true and correct copy of an Office Action dated October 22, 2003, from the '169 Application.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 17th day of October, 2005 in Palo Alto, California.



Matthew R. Reed  
Matthew R. Reed

**CERTIFICATE OF SERVICE**

I, Richard H. Morse, hereby certify that on October 17, 2005, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing to the following counsel of record:

Timothy Devlin, Esquire  
Fish & Richardson, P.C.  
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Wilmington, DE 19899-1114

I further certify that on October 17, 2005, I caused copies of the foregoing document to be served on the following non-registered participant in the manner indicated:

**BY E-MAIL AND FEDERAL EXPRESS**

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